

SDN

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

Docket #07-CV-6376

JUDGE DANIELS

ROBERT W. MANN, AS TRUSTEE FOR  
ROBERT W. MANN RETIREMENT TRUST,  
LOTUSBAY, LLC,  
LIAN MEI DEVELOPMENT, LLC,  
(both incorporated in State of Delaware)

Plaintiffs

v.

MICHAEL ROBERT ALEXANDER BROWN,  
a/k/a MICHAEL BROWN,  
5<sup>th</sup> AVENUE PARTNERS, LTD., a/k/a FIFTH  
AVENUE PARTNERS, LTD.,  
5<sup>th</sup> AVENUE PARTNERS (U.K.), LTD., a/k/a  
FIFTH AVENUE PARTNERS, LTD.;  
LAMBERHURST DEVELOPMENTS, LTD.,  
IDB FOUNDATION,

(all entities incorporated in England and Wales)

DEVONSHIRE CAPITAL, LTD.,  
(incorporated in Gibraltar)

5th AVENUE PARTNERS, GMBH, a/k/a  
FIFTH AVENUE PARTNERS GMBH  
(incorporated in Switzerland)

FIFTH AVENUE PARTNERS, S.L., a/k/a 5<sup>th</sup>  
AVENUE PARTNERS, S.L.  
(incorporated in Spain)

5<sup>th</sup> AVENUE PARTNERS, LTD., a/k/a  
FIFTH AVENUE PARTNERS, LTD.  
(incorporated in British Virgin Islands)

Defendants

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

U.S. DISTRICT COURT  
FILED  
2007 AUG -3 PM 1:00  
S.B. CLERK'S OFFICE

PURSUANT TO RULE 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern

District of New York, I, Joshua Bachrach, a member in good standing of the bar of this Court, hereby move for an

Order allowing the admission pro hac vice of

Applicant's Name:	Andrew R. Benedict, Esquire
Firm Name:	Rawle & Henderson LLP
Address:	The Widener Building
	One South Penn Square
City/State/Zip:	Philadelphia, Pennsylvania 19107
Email Address:	<a href="mailto:abenedict@rawle.com">abenedict@rawle.com</a>

Andrew R. Benedict, Esquire is a member in good standing of the Bar of the States of Pennsylvania

There are no pending disciplinary proceeding against Andrew R. Benedict in any State or Federal Court.

Dated: 8-3-07

City, State: Phila PA

Marie Ridolfi

**COMMONWEALTH OF PENNSYLVANIA**

**NOTARIAL SEAL**

MARIE RIDOLFO, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires September 17, 2008

Respectfully submitted,

Joshua Bachrach

Joshua Bachrach, Esquire  
SDNY Bar 565707  
Rawle & Henderson LLP  
One S. Penn Square, 16<sup>th</sup> Floor  
The Widener Building  
Philadelphia, PA 19107  
215-575-4200  
215-563-2583

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. MANN, AS TRUSTEE FOR	:	Docket #07-CV-6376
ROBERT W. MANN RETIREMENT TRUST,	:	
LOTUSBAY, LLC,	:	
LIAN MEI DEVELOPMENT, LLC,	:	
(both incorporated in State of Delaware)	:	
Plaintiffs	:	
 v.		
MICHAEL ROBERT ALEXANDER BROWN,	:	
a/k/a MICHAEL BROWN,	:	
5 <sup>th</sup> AVENUE PARTNERS, LTD., a/k/a FIFTH	:	
AVENUE PARTNERS, LTD.,	:	
5 <sup>th</sup> AVENUE PARTNERS (U.K.), LTD., a/k/a	:	
FIFTH AVENUE PARTNERS, LTD.;	:	
LAMBERHURST DEVELOPMENTS, LTD.,	:	
IDB FOUNDATION,	:	
(all entities incorporated in England and Wales)	:	
DEVONSHIRE CAPITAL, LTD.,	:	
(incorporated in Gibraltar)	:	
5th AVENUE PARTNERS, GMBH, a/k/a	:	
FIFTH AVENUE PARTNERS GMBH	:	
(incorporated in Switzerland)	:	
FIFTH AVENUE PARTNERS, S.L., a/k/a 5 <sup>th</sup>	:	
AVENUE PARTNERS, S.L.	:	
(incorporated in Spain)	:	
5 <sup>th</sup> AVENUE PARTNERS, LTD., a/k/a	:	
FIFTH AVENUE PARTNERS, LTD.	:	
(incorporated in British Virgin Islands)	:	
Defendants	:	

**AFFIDAVIT OF JOSHUA BACHRACH  
IN SUPPORT OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

State of New York        )  
                              )        ss:  
County of New York      )

Joshua Bachrach, being duly sworn, hereby deposes and says as follows:

1. I am Joshua Bachrach, counsel for Plaintiff in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Andrew R. Benedict as counsel pro hac vice to represent Plaintiffs in this matter.
2. I am admitted to the bar of the United States District Court for the Southern District of New York since August 1999, and am in good standing with this Court.
3. I have known Andrew R. Benedict since December, 2005.
4. Andrew R. Benedict, an attorney at Rawle & Henderson LLP in Philadelphia, Pennsylvania.

5. I have found Andrew R. Benedict to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of Andrew R. Benedict, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Andrew R. Benedict, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Andrew R. Benedict, pro hac vice, to represent Plaintiffs in the above captioned matter, be granted.

Dated: *July 27, 2007*

City, State: *Phila, Penns*

Notarized: *Barbara Nipon*

Respectfully submitted,



Joshua Bachrach  
SDNY Bar Code: JB5707

<b>COMMONWEALTH OF PENNSYLVANIA</b>
NOTARIAL SEAL
BARBARA NIPON, Notary Public
City of Philadelphia, Phila. County
My Commission Expires September 17, 2008



Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

*Andrew Read Benedict, Esq.*

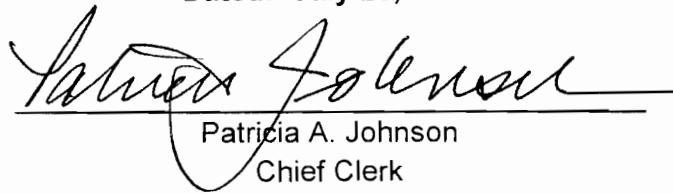
**DATE OF ADMISSION**

*November 20, 2001*

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**  
**Dated: July 26, 2007**

  
\_\_\_\_\_  
Patricia A. Johnson  
Chief Clerk

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT W. MANN RETIREMENT TRUST,  
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Plaintiffs

Docket #07-CV-6376

V.

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FIFTH AVENUE PARTNERS, LTD.  
(incorporated in British Virgin Islands)

Defendants

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Joshua Bachrach, attorney for Plaintiffs and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name:	Andrew R. Benedict, Esquire
Firm Name:	Rawle & Henderson LLP
Address:	The Widener Building
	One South Penn Square
City/State/Zip:	Philadelphia, Pennsylvania 19107
Email Address:	<a href="mailto:abenedict@rawle.com">abenedict@rawle.com</a>

is admitted to practice pro hac vice as counsel for Plaintiffs in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case

Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

City, State:

\_\_\_\_\_  
United States District/Magistrate Judge

**CERTIFICATION OF SERVICE**

I hereby certify that on today's date I served a true and correct copy of the foregoing Motion Pro Hac Vice was served upon the following by international federal express:

Michael Robert Alexander Brown  
Avenue Rotgetes 9, Esporles, Mallorca, 07190, Spain

Fifth Avenue Partners Ltd., aka 5<sup>th</sup> Avenue Partners Ltd.  
10 Dominion Street, London, EC2M 2EE, U.K.

Devonshire Capital Ltd.  
10 Dominion Street, London, EC2M 2EE, U.K.

Lamberhurst Properties Ltd.  
10 Dominion Street, London, EC2M 2EE, U.K.

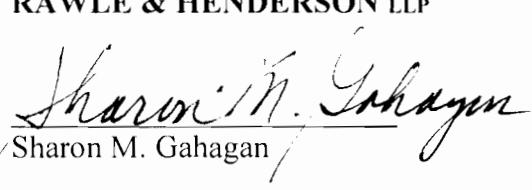
Fifth Avenue Partners GmbH aka 5<sup>th</sup> Avenue Partners GmbH  
Calle Conquistador 18, Planta Primero, Palma de Mallorca, 07001, Spain

Fifth Avenue Partners S.L., a/k/a 5<sup>th</sup> Avenue Partners S.L.  
Palma 07015, Edificio Reina Constanza, piso 9-B, calle Porto Pi, numero 8, Palma,  
Mallorca. Spain Calle Conquistador 18, Planta Primero, Palma de Mallorca, 07001, Spain

5<sup>th</sup> Avenue Partners Ltd., a/k/a Defendant Fifth Avenue Partners Ltd,  
c/o Nerine Trust (BVI) Ltd., P.O. Box 905, Nerine Chambers, 5 Columbus Centre,  
Pelican Drive, Road Town, Tortola, BVI

**RAWLE & HENDERSON LLP**

By:

  
Sharon M. Gahagan

Dated: 8/3/07